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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MURPHY, RHONDA L

ART UNIT PAPER NUMBER

2667

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,362

Applicant(s)

BALAZINSKI ET AL.

Examiner

Rhonda Murphy

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 11-18 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the after-final amendment filed on December 3, 2004. Finality has been withdrawn and the following rejection applies. Accordingly, claims 1-8 and 10-28 are currently pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4 – 8 and 19 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski et al. (US 6,628,671) in view of Abrol et al. (US 2002/0068570).

Regarding claims 1 and 19, Dynarski teaches a method of performing an abbreviated point-to-point protocol (PPP) negotiation comprising the steps of: pre-storing a first user profile in a first database of a mobile station (MS) (stored in wireless device 14; col. 6, lines 63-67) and in a second database of a packet data service node (PDSN) (stored in network access server 24A; col. 6, lines 63-67); the first pre-stored user profile representing a suggested set of PPP-related parameters (col. 6, lines 60-67) and wherein the first user profile is stored prior to performing the abbreviated PPP negotiation (col. 6, lines 56-67; the abbreviated PPP negotiation takes place after PPP parameters are stored in the network access server and wireless device);

initiating the abbreviated point-to-point protocol negotiation by sending an option identifying the first pre-stored user profile by the MS to the PDSN (col. 7, lines 18-20 and 37-59; page 4, line 17 of the specification states parameters or options include an authentication method. Dynarski describes sending an option that includes the device's IMSI/ESN number, which is used to authenticate the device. Furthermore, page 21, line 21 of the specification discloses a parameter as an IP address. Dynarski describes the device's IMSI/ESN having been allocated an IP address. Hence, Dynarski teaches sending an option that identifies the first pre-stored user profile);

retrieving the first pre-stored user profile by the PDSN in response to agreement by the MS and the PDSN on the first pre-stored user profile (col. 7, lines 37-59);

setting of a state machine of the MS and a state machine of the PDSN in accordance with the first pre-stored user profile (col. 7, lines 60-67; col. 8, lines 1-4).

determining whether the PDSN supports the first pre-stored user profile (col. 7, lines 37-59);

Dynarski fails to explicitly disclose the MS retrieving the first pre-stored user profile in response to an agreement.

However, since both the MS and PDSN store the profiles in a database and are communicating with one another via a message related to the user profile, it would have been obvious to one skilled in the art to realize the MS will retrieve the pre-stored user profile, in order to perform the negotiation between the MS and the PDSN.

Although Dynarski teaches pre-stored user profiles accepted by the PDSN, Dynarski fails to explicitly disclose rejecting pre-stored user profiles and performing a

full PPP negotiation. However, it would be obvious to conclude a profile may be rejected if a process is performed to determine whether a profile is accepted.

Furthermore, Abrol teaches rejecting a user profile that is not supported by the PDSN and performing a full PPP negotiation in response to the rejection (page 4, paragraph 35; PDSN cannot redirect same PPP state...and resets its PPP state and establish a new PPP session).

In view of this, it would have been obvious to one skilled in the art to modify Dynarski's method by incorporating Abrol's teachings, for the purpose of initiating a new PPP session to further provide communication for the mobile station when a profile is rejected.

Regarding claims 2 and 20, Dynarski teaches sending the option identifying the first user profile as part of a link control protocol negotiation (col. 6, lines 48-51; it is known in the art that a PPP link control protocol is initiated when a PPP session is established).

Regarding claims 4 and 22, Dynarski teaches sending the option in response to an inter-packet-data-service-node handover of one of the MS and the PDSN (col. 3, lines 42-47; col. 7, lines 14-25).

Regarding claims 5 and 23, Dynarski teaches sending the option in response to one of the MS and the PDSN initiating a new PPP session (col. 4, lines 4-7).

Regarding claim 6 and 21, Dynarski teaches setting the state machine of the MS and of the state machine of the PDSN in accordance with the first pre-stored user profile which obviates the need for any further point-to-point protocol negotiation between the MS and the PDSN (col. 7, lines 25-30, 60-67, col. 8, lines 1-4).

Regarding claim 7 and 24, Dynarski teaches the agreement by the MS and the PDSN on the first pre-stored user profile, which comprises each of the MS and the PDSN acknowledging that the first pre-stored user profile is acceptable (col. 7, lines 37-59; additionally, since the MS and the PDSN are in agreement with the first pre-stored user profile, it would have been obvious for the MS and the PDSN to acknowledge the user profile as acceptable).

Regarding claim 8, Dynarski teaches determining whether at least one parameter of the first pre-stored user profile is acceptable to the PDSN responsive to a determination that the PDSN supports the first pre-stored user profile (col. 7, lines 37-59; IMSI/ESN number allocated an IP address); and responsive to a determination that at least one parameter of the first pre-stored user profile is acceptable to the PDSN, the MS and the PDSN agreeing on the first pre-stored user profile (col. 7, lines 37-59; authorizing the connection).

3. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski and Abrol as applied to claim 8 above, and further in view of Chuah et al. (US 2002/0006132).

Regarding claim 3, Dynarski teaches a pre-stored profile. Although Dynarski fails to explicitly disclose a second pre-stored profile as part of a link control protocol, multiple pre-stored profiles associated with a user are well known in the art.

Furthermore, Chuah discloses multiple pre-stored user profiles used in PPP negotiations (page 3, paragraph 44; DNIS and CLID).

In view of this, it would have been obvious to one skilled in the art to modify Dynarski's method by including a second pre-stored profile, in order to enable the PDSN to accept an alternate profile while performing PPP negotiations.

Regarding claim 10, Dynarski teaches setting the state machine of the MS and of the state machine of the PDSN in accordance with a pre-stored user profile which obviates the need for any further point-to-point protocol negotiation between the MS and the PDSN (col. 7, lines 25-30, 60-67, col. 8, lines 1-4).

Dynarski fails to explicitly disclose a second pre-stored user profile.

However, Chuah discloses multiple pre-stored user profiles used in PPP negotiations (page 3, paragraph 44; DNIS and CLID).

In view of this, it would have been obvious to one skilled in the art to modify Dynarski's method by including a second pre-stored profile, in order to enable the PDSN to accept an alternate profile while performing PPP negotiations.

Allowable Subject Matter

1. Claims 11-18 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8, 10 and 19-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

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9/4/05